

acid. The Examiner admits that Baer does not teach the use of oxygen during the process period. However, the Examiner asserts that Yonemitsu teaches the oxidation of ethylene glycol in the presence of nitric acid and molecular oxygen to produce oxalic acid.

In order to more clearly recite the present invention and to differentiate it from the technique of Yonemitsu, Applicants have amended claim 1 so that it is now directed specifically to the use of the fluoroalkyl alcohol having the formula  $H(CF_2)_nCH_2OH$  or  $F(CF_2)_nCH_2OH$ . Support for this amendment can be found in the specification, for example, at page 5, lines 1-3.

The fluoroalkyl alcohol used in the present invention, which has many fluorine atoms, is usually presumed difficult to oxidize. For oxidizing such a fluoroalkyl alcohol with nitric acid, one of ordinary skill in the art could scarcely conceive of feeding oxygen to the reaction system to reduce the required amount of nitric acid to a stoichiometric amount or less relative to the fluoroalkyl alcohol, but would usually consider using a larger excess of nitric acid.

Baer fails to teach or suggest feeding oxygen into the reaction system during an oxidation reaction. Moreover, Baer does not teach or suggest reducing the required amount of nitric acid to a stoichiometric amount or less relative to the fluoroalkyl alcohol by feeding oxygen to the reaction system.

In view of the foregoing, Applicants respectfully submit that the present invention is not obvious from Baer in view of Yonemitsu, and therefore request that the rejection to the claims under 35 U.S.C. § 103(a) be withdrawn.

In view of the foregoing, Applicants respectfully submit that the present application is in condition for immediate allowance, and such action is earnestly solicited.

Respectfully submitted,

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## ATTACHMENT A

### Marked Up Replacement Claims

Following herewith is a marked up copy of rewritten claim 1.

1. (Twice Amended) A process for producing a fluoroalkylcarboxylic acid of the formula RfCOOH wherein Rf is a C<sub>1-16</sub> fluoroalkyl group, which comprises oxidizing a fluoroalkyl alcohol ~~of the~~ having a formula RfCH<sub>2</sub>OH ~~wherein Rf is as defined above~~ H(CF<sub>2</sub>)<sub>n</sub>CH<sub>2</sub>OH or F(CF<sub>2</sub>)<sub>n</sub>CH<sub>2</sub>OH, ~~wherein n is an integer of 1 to 16,~~ using nitric acid and feeding oxygen into the reaction system during the oxidation reaction to reduce the required amount of nitric acid to a stoichiometric amount or less relative to the fluoroalkyl alcohol.